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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 HENRY JAMES,

10 Plaintiff,

11 v.

12 FPI MANAGEMENT, INC., et al.,

13 Defendants.

CASE NO. C18-998RSM

MINUTE ORDER STRIKING MOTION
FOR DEFAULT JUDGMENT

14 The following MINUTE ORDER is made by direction of the Court, the Honorable
15 Ricardo S. Martinez, Chief United States District Judge:

16 On November 27, 2018, Plaintiff filed a Motion for Default Judgment with regard to
17 Defendants Michael Chin and Patricia Lally. Dkt. #29. Plaintiff includes allegations as to service
18 and the amount of damages for which Defendants Chin and Lally are responsible. *Id.* However,
19 the Court has not yet granted a motion for default against either Defendant. Local Civil Rule
20 55(b)(1) makes clear: “No motion for judgment by default should be filed against any party
21 unless the court has previously granted a motion for default against that party pursuant to LCR
22 55(a) or unless default otherwise has been entered.” LCR 55(b)(1).
23

24 Even if Plaintiff’s Motion is considered as a motion for default, it is not sufficient as it
25 does not “specifically show that the defaulting party was served in a manner authorized by Fed.
26 R. Civ. P. 4.” LCR 55(a). Plaintiff, and the proofs of service filed herein, indicate that process
ORDER – 1

1 was served upon a third party receptionist. Dkts. #18, #19, and #29. Plaintiff provides no
2 evidence that this individual was “designated by law to accept service of process on behalf of”
3 either Defendant Chin or Defendant Lally.

4 Due to the procedural deficiencies, the Court STRIKES Plaintiff’s Motion for Default
5 Judgment (Dkt. #29). The Clerk shall send a copy of this Order to Plaintiff at 14100 Linden Ave
6 N. Apt. 449B, Seattle, WA 98133.

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8 Dated this 28 day of November, 2018.

9 WILLIAM McCOOL, Clerk

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11 By: /s/ Paula McNabb
12 Deputy Clerk
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